

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:03CR415
)	
v.)	
)	
JOHN MICHAEL KIRBY,)	ORDER
)	
Defendant.)	
)	

The government has filed a motion for hearing pursuant to Federal Rule of Criminal Procedure 35(b). Filing No. 36.

IT IS ORDERED that:

1. Counsel for the government shall notify the court when the motion pursuant to Rule 35(b) is ripe for decision. The motion shall not be decided until counsel for the government certifies that the motion is ripe.
2. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.
3. The Federal Public Defender shall provide CJA counsel with a new voucher.

DATED this 29th day of July, 2005.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge